



**Pima County Attorney's Office**  
**Adult Diversion and Bad Check Program**

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**Barbara LaWall**

Pima County Attorney

September 5, 2014

The Honorable Andy Biggs  
Senate President  
1700 West Washington  
Phoenix, AZ 85007-2890

The Honorable Andy Tobin  
Speaker of the House  
1700 West Washington  
Phoenix, AZ 85007-2890

Re: Deferred Prosecution Annual Report

Dear President Biggs and Speaker Tobin:

Pursuant to A.R.S. 11-362, The Pima County Attorney's Office is responsible for providing an annual report to the President of the Senate and the Speaker of the House of Representatives on the county's Deferred Prosecution Program. Enclosed is the Pima County Attorney's 2013-2014 Annual Report on the Deferred Prosecution/Adult Diversion Program.

The Pima County Deferred Prosecution program is called the Adult Diversion program. The program is comprised of six separate diversion entities: the Domestic Violence Diversion Program, the Felony Diversion Program, the Misdemeanor Diversion Program, the Substance Abuse Diversion Program, the University of Arizona Student Diversion Program, and the Tobacco Retailer Diversion Program. The annual report provides a summary of the programs, the number of persons participating in the programs, and the success rates. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Linda McCollum, Director, Adult Diversion  
Pima County Attorney's Office

Enclosures

Cc: The Honorable Barbara LaWall, Pima County Attorney  
Amelia Cramer, Chief Deputy Pima County Attorney  
Elizabeth Ortiz, Executive Director APAAC



**PIMA COUNTY ATTORNEY'S OFFICE  
DEFERRED PROSECUTION  
ANNUAL REPORT FISCAL YEAR 2013/2014**

**ADULT DIVERSION PROGRAM ORGANIZATION**

**The program is comprised of six separate diversion entities:**

- Domestic Violence Diversion Program (DVDP)
- Felony Diversion Program (FDP)
- Misdemeanor Diversion Program (MDP)
- Substance Abuse Diversion Program (SADP)
- University of Arizona Student Diversion Program (UASDP)
- Tobacco Retailer Diversion Program (TRDP)

**Domestic Violence Diversion Program (DVDP)**

This program is designed to handle first-time diversion eligible defendants arrested for a domestic violence misdemeanor offense. The defendant is interviewed and supervised by an Adult Diversion Specialist (Specialist). The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant will be supervised by the Specialist from 6 to 12 months. The defendant will attend programs such as counseling, anger management and parenting classes as well as pay restitution and diversion fees. The defendant will complete volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. The supervision method and the contact frequency of the defendant are at the discretion of

the Specialist. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution initiated.

### **Felony Diversion Program (FDP)**

This program is designed to handle first-time diversion eligible defendants arrested for a felony offense. The defendant is interviewed and supervised by a Specialist. The Specialist conducts an initial interview to determine the types of intervention strategies to be completed. The defendant may be supervised by the Specialist for a minimum of 12 months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling programs, pay restitution and diversion fees. The defendant will complete volunteer community service hours at the discretion of the Specialist. Periodic and random drug testing may be required of the defendant. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and a criminal prosecution initiated.

### **Misdemeanor Diversion Program (MDP)**

This program is designed to handle diversion eligible defendants arrested for first or second-time misdemeanor offenses. These defendants are not supervised by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts, program(s) to attend, restitution amount if applicable, and may be given volunteer

community service hours to complete. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

### **Substance Abuse Diversion Program (SADP)**

This program is designed to handle diversion eligible defendants arrested for first or second-time drug offenses, such as unlawful possession of marijuana, paraphernalia and alcohol. These defendants are not supervised by a Specialist. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts, program(s) to attend, and if applicable the number of volunteer community service hours to complete. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

### **University of Arizona Student Diversion Program (UASDP)**

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts and is referred to the Dean of Students Office. The Dean of Students Office determines the sanctions and monitors the student's progress. The Dean of Students Office notifies the Diversion Program of the successful completion or non-compliance with the diversion obligations. If the defendant completes all of

the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and a criminal prosecution will be initiated.

### **Tobacco Retailer Diversion Program (TRDP)**

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle individuals and businesses that are first-time offenders and are cited for selling tobacco to minors. The defendant will appear at the diversion office to complete paperwork, will be given the fee amounts and is instructed to attend an Arizona Retailer Tobacco Training. If the defendant completes all of the diversion terms the prosecutor will file dismissal paperwork, and the case will be successfully closed. The diversion case will be terminated if there is a failure to comply, and the case will be referred for criminal prosecution.

### **PROGRAM SUPERVISION**

Currently, two Specialists supervise the the Domestic Violence Diversion Program cases, the Felony Diversion Program cases, the Misdemeanor Diversion Program cases, Substance Abuse Diversion Program cases, University of Arizona Student Diversion Program cases, and the Tobacco Retailer Diversion Program cases. Two legal processing support staff members assist the two Specialists. A director monitors the everyday operations of the program and the four employees.

## **FY 2013/2014 Adult Diversion Program Statistics**

### **Year totals all programs combined:**

Total number of cases processed:	1,756
Total number of new referrals:	1,228
Total number of successful terminations:	1,140
Total number of unsuccessful terminations:	282
Total number of cases closed:	1,422
Total number of pending cases:	334
Compliance Rate:	80%

### **Year totals for each individual program:**

	Total Closed	Successful	Unsuccessful	Compliance Rate
Felony Diversion Program:	74	44	30	59%
Domestic Violence Diversion Program:	283	211	72	75%
Misdemeanor Diversion Program:	230	190	40	83%
Substance Abuse Diversion Program:	648	553	95	85%
University of Arizona Student Diversion Program:	186	141	45	76%
Tobacco Retailer Diversion Program:	1	1	0	100%
<b>Total</b>	<b>1422</b>	<b>1140</b>	<b>282</b>	<b>80%</b>